

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
AUGUST 21, 2007

Chairman of the Board – Kenneth D. Koehler (District 2)

District 1 Yvonne M. Barnes Marc Munaretto Anna May Miller Dan Shea	District 2 Marie M. Chmiel James Heisler Kenneth Koehler Lyn Orphal	District 3 Ed Dvorak Mary L Donner Nick Provenzano Barbara Wheeler
District 4 Sue Draffkorn John Hammerand Pete Merkel Sandra Fay Salgado	District 5 John Jung Jr. James P Kennedy Virginia Peschke Tina Hill	District 6 Randall Donley Mary T McCann Daniel P Ryan Mary Lou Zierer

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, August 21, 2007.

Chairman Koehler called the meeting to order at 7:08 p.m. The Pledge of Allegiance to the Flag was led by County Clerk Katherine C Schultz with Members of the Board, department heads and visitors participating. Mr. Munaretto gave the invocation/personal remarks.

ROLL CALL

The roll was called by County Clerk Katherine C Schultz. The following members responded: Orphal, Peschke, Provenzano, Ryan, Shea, Wheeler, Zierer, Barnes, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Jung, Kennedy, McCann, Merkel, Miller, Munaretto. Absent: Salgado, Chmiel and Hill. Chairman Koehler declared a quorum present with twenty-one (21) members responding.

MINUTES

None

CHAIRMAN'S REMARKS

Chairman Koehler commented on last Friday. He said there was a legislative breakfast that was put on by the MCEDC which had great attendance and then after that a County Road Warrior Road Rally to Algonquin. There were over 75 vehicles in a procession that left from McHenry down to Algonquin. He said they were making their statements in regard to the lack of funding for McHenry County. Chairman Koehler then read a letter he received today from the Governor, dated August 20th, basically saying he is in receipt of the Chairman's letter concerning funding for transportation projects in McHenry County and it is currently under review.

SPECIAL RECOGNITION/REPORTS

Mr. Heisler made a motion seconded by Ms. Orphal to approve the following Eagle Scout recognitions:

William B Kaster	of Troop 347 in Crystal Lake
Leviticus C Morton	of Troop 374 in Crystal Lake
Alex P Solome	of Troop 374 in Crystal Lake
James M Peters	of Troop 374 in Crystal Lake
Robert J Hornbostel	of Troop 374 in Crystal Lake
Matthew J Jacoby	of Troop 374 in Crystal Lake

Chairman Koehler asked for a voice vote, the ayes having it, Chairman Koehler declared the motion passed.

Ms Donner said she will be attending an Eagle Scout award ceremony on Sunday and she would like to take the miniature County flag to the Eagle Scouts being awarded.

ZBA CONSENT AGENDA

Chairman Koehler asked if anyone wished to pull a petition from the ZBA Consent Agenda. There were none.

Ms. Wheeler made a motion seconded by Mr. Dvorak to approve the following Petitions:

- Exb. #07-12; McHenry Twp; Chad/Nicole Miller; reclass of R1 to R1V
- Exb. #07-31; Chemung Twp; Robert/Terrence Kirkpatrick; reclass of I1 to I1V
- Exb. #07-38; Greenwood Twp; Casey/Kristie Given; reclass of A1 to A2
- Exb. #07-41; Algonquin Twp; Gail Properties of Cary LLC; reclass of A1 to E1
- Exb. #07-46; McHenry Twp; Mandy Lasusa; reclass of R1 to R1V
- Exb. #07-48; Algonquin Twp; Bruce Smith; reclass of R1 to R1V
- Exb. #07-49; Greenwood Twp; Manke Trust; reclass A1 to A1
- Exb. #07-51; Dorr Twp; Guderyahn Trust; reclass A1 to E1
- Exb. #07-53; Alden Twp; David/Portia Stuart; reclass A1C to A1C (renew)

Ms. Miller commented that the last time there was a Gail Properties petitioner she was not able to vote because there was a family member who had a business relationship with them that no longer exists, so she will be voting on this today.

Chairman Koehler asked for a roll call vote. The following members responded aye: Orphal, Peschke, Provenzano, Ryan, Shea, Wheeler, Zierer, Barnes, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Jung, Kennedy, McCann, Merkel, Miller, Munaretto and Koehler. Absent: Salgado, Chmiel and Hill. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the motion passed.

ZBA REGULAR AGENDA

Ms. Wheeler made a **motion** seconded by Mr. Provenzano **to DENY** the following Petition as recommended by the ZBA:

- Exb. #07-44; Coral Twp; Brackmann Trust; reclass of A1 to E1

Ms. Wheeler made a **motion to amend** seconded by Mr. Donley **to approve Petition #07-44**.

Chairman Koehler asked for any discussion on the motion to amend. There were a couple of board members against approval of this petition because of the high impact to the land and the over crowding of schools that this project could create and the impact of the traffic in the area. Many members were in favor of this amendment as Coral Twp has no objections to this change and there are subdivisions completely surrounding this.

Chairman Koehler asked for a roll call vote. The following members responded aye: Orphal, Provenzano, Ryan, Shea, Wheeler, Zierer, Barnes, Donley, Donner, Dvorak, Hammerand, Heisler, Jung, Kennedy, McCann, Merkel, Miller, Munaretto and Koehler. Nay: Peschke and Draffkorn. Absent: Salgado, Chmiel and Hill. The vote being nineteen (19) aye and two (2) nay noting three (3) absent, Chairman Koehler declared the **motion to amend to approve Petition #07-44 has passed**.

Chairman Koehler asked for any discussion on the main motion as amended. There was none. He noted that a yes vote would be to approve the zoning change request for Petition #07-44.

Chairman Koehler asked for a roll call vote. The following members responded aye: Orphal, Provenzano, Ryan, Shea, Wheeler, Zierer, Donley, Donner, Dvorak, Hammerand, Heisler, Jung, Kennedy, McCann, Merkel, Miller, Munaretto and Koehler. Nay: Peschke, Barnes and Draffkorn. Absent: Salgado, Chmiel and Hill. The vote being eighteen (18) aye and three (3) nay noting three (3) absent, Chairman Koehler declared the **motion to approve Petition #07-44 has passed.**

PLATS

Plat of Amendment – Botterman Farms Subdivision, Coral Twp.

Ms. Wheeler made a motion seconded by Ms. Donner to approve the above-named plat. Ms. Wheeler noted that the plat was in the room for review.

Chairman Koehler asked for a roll call vote. The following members responded aye: Orphal, Peschke, Provenzano, Ryan, Shea, Wheeler, Zierer, Barnes, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Jung, Kennedy, McCann, Merkel, Miller, Munaretto and Koehler. Absent: Salgado, Chmiel and Hill. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the motion passed.

PUBLIC COMMENT

Chairman Koehler explained the rules of public participation. The following people spoke:

Patricia Kennedy of Harvard	regarding the need for improved sound system and ZBA recommendations
Elizabeth Sander of Union	regarding water run off on Dunham Road

Noting no other persons wishing to speak, Chairman Koehler closed public participation.

NEW AND UNFINISHED BUSINESS

None

APPOINTMENT

None

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Routine Consent Agenda. Mr. Shea asked to remove item #14.2 B(4).

Ms. Donner made a motion seconded by Ms. McCann to approve the Routine Consent Agenda with one item removed.

Chairman Koehler asked for a roll call vote. The following members responded aye: Orphal, Peschke, Provenzano, Ryan, Shea, Wheeler, Zierer, Barnes, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Jung, Kennedy, McCann, Merkel, Miller, Munaretto and Koehler. Absent: Salgado, Chmiel and Hill. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the motion passed.

13.2 B(4) Resolution authorizing adoption of a McHenry County Policy Governing the Purchase and Sale of Real Estate, Land and Building.

Mr. Munaretto made a motion seconded by Ms. Peschke to approve the above-named resolution.

Chairman Koehler asked for any discussion. Mr. Shea said he was vehemently opposed to this resolution for several reasons. He proceeded to make a motion to amend to reflect changes he felt needed to be made.

Mr. Shea made a **motion to amend** seconded by Ms. Zierer **to change wording** throughout the Resolution **where it says County Administrator it should read County Administration.**

Chairman Koehler asked for any discussion on the motion to amend.

Mr. Shea said that in looking at this it puts a lot of authority in the hands of the Finance Committee and he feels this resolution was not fully thought out. Mr. Jung agreed that the Finance Committee should not be given so much power. Mr. Kennedy disagreed saying it is a recommendation to the board. Everyone can always go to committee meetings.

Chairman Koehler noted that this discussion is a little off base as it should be on the motion to amend.

Mr. Provenzano said that this proposed change comes up twice in this resolution and he agrees with this change.

Chairman Koehler asked for a voice vote, the ayes having it, he declared the **motion to amend passed.**

Mr. Shea made a **motion to amend** seconded by Mr. Jung **to change where it requests a 2/3 majority vote for the purchase of real estate it should be changed to a simple majority vote to purchase real estate.**

Chairman Koehler asked for discussion on the motion to amend.

Mr. Shea said this resolution currently reads that a 2/3 majority vote would be needed even if the money was already budgeted and it allows a small group to veto any purchase. Ms. Peschke said there is a danger of having a minimum number of people. She said it should be more than a simple majority because a super majority means 16 people as opposed to if a quorum is present with only 20 people, a simple majority would only be 11 to approve. She thinks that any time you have a simple majority you run the risk of a minority stopping it. You want to know that when something is purchased using county assets it is going to be done with the majority of the people on the County Board voting on it. Mr. Jung said the points brought up are good ones, however, after having gone through two committees, Finance and Management Services, and coming to the County Board everyone would realize how important it is and the responsibility to the taxpayers. He said after voting on it, we would still have to go back to the Finance Committee about funding and if it's not budgeted it is still a 2/3 vote of the County Board. Ms. Wheeler clarified the motion by saying it is to reduce the 2/3 majority vote to purchase real estate to a simple majority. She said she is against this because the board knows we have to have an emergency appropriation to purchase land which requires a 2/3 majority vote.

Mr. Ryan made a **motion to amend the amendment** seconded by Mr. Provenzano **to change wording where it requests 2/3 majority vote for the sale of property it should be changed to a simple majority vote for the sale of property.**

Chairman Koehler asked for any discussion on the motion to amend the amendment.

Mr. Ryan said the argument is the same for this as it is to purchase. He said the board should know what they want to do and then find out if they have the money.

Ms. Donner called the question to vote on the motion to amend the amendment. Chairman Koehler asked for a voice vote, they ayes having it, the motion has passed to call the question.

Chairman Koehler asked for a voice vote on the motion to amend the amendment to eliminate the 2/3 majority on the sale of property. On a close voice vote, Chairman Koehler asked for a hand count, that being close as well a roll call vote was requested. The following members responded aye: Orphal, Provenzano, Ryan, Shea, Zierer, Donley, Donner, Dvorak, Heisler, Merkel, Miller

and Koehler. Nay: Peschke, Wheeler, Barnes, Draffkorn, Hammerand, Jung, Kennedy, McCann and Munaretto. Absent: Salgado, Chmiel and Hill. The vote being twelve (12) aye and nine (9) nay noting three (3) absent, Chairman Koehler declared the **motion to amend the amendment to add the change to a simple majority vote on the sale of property has passed.**

Chairman Koehler asked for any discussion on Mr. Shea's motion to amend. There was extensive discussion pro and con regarding the 2/3 vote issue. Most board members agreed that if there is an emergency appropriation, a 2/3 majority vote will be needed, but many agreed that giving this much authority on finances to one committee doesn't seem right and a recommendation should come to the board for the full board to vote on. Chairman Koehler stated that you could still go through this whole procedure that we're trying to set into policy here by just using County Board rules at that given meeting, which almost makes the 2/3 rule a mute point. In order to finance it by state statute, if it is an emergency appropriation, we have to have a 2/3 majority vote for the money portion of it, but it is not required by statute for the purchase or sale of property. Mr. Hammerand clarified what he understood and said this is actually just a guideline and recommendation on how things are done and it can be changed in the future. Chairman Koehler clarified that this motion as Mr. Shea intended it is for a "simple majority of the members present at the meeting."

Chairman Koehler asked for a roll call vote on the **motion to amend to eliminate the 2/3 majority vote for both the sale and purchase of property, and change to a simple majority vote of the members present at the meeting.** He said a yes vote is to remove the 2/3 majority and reducing it to a simple majority.

The following members responded aye: Orphal, Provenzano, Ryan, Shea, Zierer, Donley, Dvorak, Heisler, Jung, Merkel, Miller and Koehler. Nay: Peschke, Wheeler, Barnes, Donner, Draffkorn, Hammerand, Kennedy, McCann and Munaretto. Absent: Salgado, Chmiel and Hill. The vote being twelve (12) ayes and none (9) nays, noting three (3) absent, Chairman Koehler declared the **motion to amend has passed.**

Chairman Koehler asked for any discussion on the main motion.

Ms. Donner made a **motion to amend** seconded by Ms. Barnes **to make this a simple majority, 13 members, of the entire County Board.**

Ms. Donner stated that she felt this is a compromise, the difference between having 13 votes or 16 votes to approve. It was asked how we are going to keep track of this, if voting rules are going to be different on different issues. Chairman Koehler said the County Board rules would allow.

Chairman Koehler asked for a roll call vote. The following members responded aye: Peschke, Wheeler, Barnes, Donner, Hammerand, Kennedy, McCann and Munaretto. Nay: Provenzano, Ryan, Shea, Zierer, Donley, Draffkorn, Dvorak, Heisler, Jung, Merkel, Miller and Koehler. Absent: Salgado, Chmiel and Hill. The vote being eight (8) ayes and thirteen (13) nays, noting three (3) absent, Chairman Koehler declared the **motion to amend failed.**

Chairman Koehler asked for any discussion on the main motion.

Mr. Shea said he is against this completely because once you get a written policy you open up to criticisms of any little thing that doesn't come out correct or interpreted as such. Also, the purchase of property is not a clean thing, it always ends up with negotiations and he thinks there is too much exposure.

Mr. Jung made a **motion to amend** seconded by Mr. Provenzano to **remove the first paragraph under the section Role of the Finance and Audit Committee,** which reads "No real estate

shall be acquired by McHenry County without a simple majority vote of the members of the McHenry County Finance and Audit Committee on a resolution to be sent to the full County Board.”

Mr. Hammerand thought that we send acquisitions through the Finance Committee not just through Management Services. Chairman Koehler clarified that Management Services has made the recommendations to purchase and followed through the process. Mr. Munaretto noted that the Animal Control resolution never went through the Finance Committee before coming to the board. Ms. Zierer pointed out that other parts of the resolution would need to be changed if this amendment is passed.

Chairman Koehler said the motion to amend is to bring the responsibility back to Management Services to lead in the acquisition of the property where Finance and Audit Committee shall have the responsibility to determine the source of funds to pay for the purchase.

Chairman Koehler asked for a roll call vote on the motion to amend. The following members responded aye: Provenzano, Ryan, Shea, Jung, Merkel and Koehler. Nay: Orphal, Peschke, Wheeler, Zierer, Barnes, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Kennedy, McCann, Miller and Munaretto. Absent: Salgado, Chmiel and Hill. The vote being six (6) ayes and fifteen (15) nays noting three (3) absent, Chairman Koehler declared the **motion to amend failed**.

Chairman Koehler asked for any other discussion on the main motion.

Mr. Shea asked members to look at the section Authority to Purchase or Sell Real Estate – Contracts. He read the content and said this puts the Finance and Audit Committee in a veto power of anything that the whole board has approved, and this shouldn't be. Comments were made regarding previous sales of property and how committees were not involved in some sales that were not done in a professional way.

Mr. Provenzano made a **motion to amend** seconded by Mr. Jung **to strike the section Authority to Purchase or Sell Real Estate – Contracts**.

Ms. Zierer asked if we wanted to send this back to a committee which committee it would go back to. Chairman Koehler said it would go to Joint Management Services and Finance Committee.

Chairman Koehler asked for a roll call vote on the motion to amend. The following members responded aye: Provenzano, Shea, Jung, Merkel and Koehler. Nay: Orphal, Peschke, Ryan, Wheeler, Zierer, Barnes, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Kennedy, McCann, Miller and Munaretto. Absent: Salgado, Chmiel and Hill. The vote being five (5) ayes and sixteen (16) nays noting three (3) absent, Chairman Koehler declared the **motion to amend failed**.

Chairman Koehler asked for any other discussion on the main motion.

Mr. Hammerand asked to call the question. Chairman Koehler asked for a roll call vote. The following members responded aye: Shea, Barnes, Donley, Donner, Draffkorn, Hammerand, Jung and McCann. Nay: Orphal, Peschke, Provenzano, Ryan, Wheeler, Zierer, Dvorak, Heisler, Kennedy, Merkel, Miller, Munaretto and Koehler. Absent: Salgado, Chmiel and Hill. The vote being eight (8) ayes and thirteen (13) nays noting three (3) absent, Chairman Koehler declared the **motion failed**.

Mr. Hammerand made a **motion** seconded by Ms. Barnes **to send this resolution back to committee.**

Noting no other discussion, Chairman Koehler asked for a voice vote, the ayes having it, the **motion is passed to return this resolution back to committee.**

ORDINANCES

None

ADMINISTRATOR'S REPORT

Mr. Austin thanked Ralph Sarbaugh for the work he's been doing with Valley Hi and putting the budget together. Also, a handout was given and a brief update on the progress of the Animal Control facility. Ms. Link said numerous bids were received and reviewed with Prime Hoffman and a meeting was held today and a bid was accepted today. She said that the construction budget has come in under budget by about \$300,000. They are asking Hoffman to go back and give them an alternate based on Mr. McNulty's recommendation to build out the walls for the exam rooms in the open area for the nursing clinic as well as roughing in the plumbing. That pricing should be received next week. A meeting is set for September 5th to discuss the FF&E items and specifications will be prepared on those. Ms. Link said demolition will begin next week. She added that the county was able to save about \$10,000 by removing a wall portion from the current garage into the office area which allows the contractor to get a small piece of equipment in to carry things out rather than having to do it manually. Some of the material will be reused in the building. Ms. Link said they are confident that they will produce an environment friendly green building for the county.

EXECUTIVE SESSION

None

MEMBERS' COMMENTS

Mr. Hammerand read a part of a McHenry County Report on Internal Control from November 30, 2006, current year status. He was looking over the financial data from the nursing home after all of the comments received. Mr. Hammerand said every three years there has been a process of reviewing our accountant and bringing in interviews of other companies to do our auditing. This was to give a fresh look to the accounting and what is going on in our County. He thinks this is a very important thing to do and we should be interviewing other accounting firms.

Ms. McCann told the board that today Congressman Manzullo was at the Groundwater Taskforce meeting and he has gotten the County \$300,000 with the pending approval of the Senate. That money is reserved for groundwater protection and to prevent floods. She asked Chairman Koehler if a review could be done with municipalities to review the impact of the flooding throughout the County and then discuss the possibility of developing a Natural Hazard Mitigation Plan. By developing that with the municipalities we would be able to access federal funding to do pre-disaster treatment, which would include cleaning out of ditches and changing culverts, that kind of thing. Chairman Koehler responded said that the state currently has a team up here evaluating what is going on. He has been asked to look at supplying a declaration for several municipalities based on flooding. He said he would like to speak to her more about this.

Mr. Donley spoke about the sound system in the board room and all of the problems that we have with it. Chairman Koehler said that we do have people bidding on the system and it is a major cost that needs to be put into the budget. Mr. Austin added that whatever we do with the sound system we want it to be compatible with future uses of the board room as it relates to communicating with the residents via the web. So, the problem is being worked on.

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Mr. Labaj added that bids were solicited for sound system improvements but it has been an ongoing discussion at Management Services and it was decided not to go ahead just with the sound system improvements but to also look at what we needed to do in order to do the web casting.

Ms. Zierer told the board that she has sent sympathy cards out to the Gene Goeglein family and to Nick Provenzano's family and we are in good shape in the card/flower treasury.

ADJOURNMENT

Ms. Donner made a motion seconded by Mr. Kennedy to adjourn at 9:00 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 4th day of September, A.D., 2007.

S/ Kenneth D. Koehler
Kenneth D. Koehler, Chairman
McHenry County Board

ATTEST:

S/ Katherine C. Schultz
Katherine C. Schultz, County Clerk